

UNITED STATES DISTRICT COURT

for the

Western District of Texas**FILED**

August 08, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America

v.

Harlan Thomas Barton

BY: AC
DEPUTYCase No. SA-24-MJ **-1131**Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, 2024 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC 2252A(a)(2)

Distribution of Child Pornography

Penalties: 5 to 20 Years Imprisonment, \$250,000 Fine, Minimum 5
Years Supervised Release, \$100 Mandatory Special Assessment, and
\$5000 Assessment Pursuant to JVTA

This criminal complaint is based on these facts:

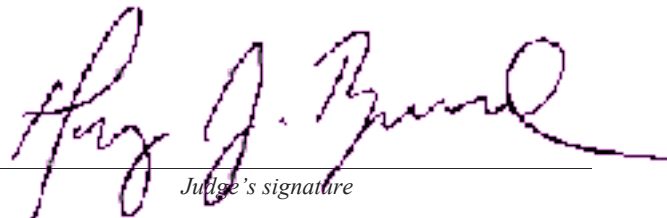
See Attached Affidavit

☒ Continued on the attached sheet.MACKENZIE
FERGUSONDigitally signed by MACKENZIE
FERGUSON
Date: 2024.08.08 10:23:05 -05'00'*Complainant's signature*

Mackenzie D. Ferguson, FBI Special Agent

Printed name and title

- ☐
- Sworn to before me and signed in my presence.
-
- ☒
- Sworn to telephonically and signed electronically.

Date: August 8, 2024City and state: San Antonio, Texas*Judge's signature*

HENRY J. BEMPORAD, US MAGISTRATE JUDGE

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Mackenzie D. Ferguson, being duly sworn, depose and state that:

1. I am a Special Agent with the Federal Bureau of Investigation and have been employed by the FBI since June 2010. I served as an FBI Intelligence Analyst from June 2010 through June 2021, first assigned to support investigations into child exploitation matters in 2015. I am currently assigned to the Crimes Against Children Task Force in the FBI San Antonio Field Division. I have received particularized training in the investigation of computer-related crimes, child abductions, online enticement, online threatening communications, peer-to-peer computer networking, and online (i.e. Internet based) crimes against children. I have conducted and been involved in numerous investigations of individuals suspected of utilizing Internet devices to further criminal activity and have participated in the execution of numerous search warrants which have resulted in the seizure of digital evidence. I have had the occasion to become directly involved in investigations relating to missing or kidnapped children and am familiar with the investigative techniques commonly used to collect evidence in such cases.
2. This affidavit is being submitted in support of an Application for a Criminal Complaint for Harlan Thomas Barton (BARTON).
3. On February 11, 2024, a law enforcement officer with FBI San Antonio downloaded several complete or partial files from IP address 70.120.77.119. Several of these files were consistent with the federal definition of child pornography. One of these files is described below:

- a. Video, 4:59 in length: The video begins with a message stating, "Tara 8 years old, 'ass to mouth', ... her daddy really treats her like a total fucking whore!". The video then depicts the torso of a nude adult male. A nude prepubescent female can be seen kneeling in front of the adult male, performing oral sex on the male's erect penis. The adult male forcefully pushes the prepubescent female's head toward his pelvis. The prepubescent female then repositions to a bed, where the adult male kneels on top of her and repeatedly inserts his penis into the prepubescent female's vagina. The prepubescent female is wearing a green, purple, and yellow feathered mask over her eyes and nose.
4. Through a review of the log files associated with each download, it was determined that the above-described media was downloaded using the qBittorrent software.
5. Further investigation by FBI San Antonio determined the IP address was assigned to an address in Helotes, Texas, where BARTON resided.
6. On August 7, 2024, FBI San Antonio executed a search warrant at BARTON's home in Helotes. BARTON was present at the residence when the search warrant was executed. During a non-custodial interview, BARTON stated that he was familiar with BitTorrent software. BARTON stated that he used qBittorrent. BARTON acknowledged that he uses BitTorrent software to download child pornography files. BARTON explained that he was familiar with the concept of peer to peer software. BARTON understood that when he downloaded files using qBittorrent, he was also sharing files for others to download.
7. BARTON disclosed that he had viewed and masturbated to child pornography on the morning of August 7, 2024. BARTON stated that he possessed child pornography on a

thumb drive located in his bedroom. The thumb drive was connected to his desktop computer at the time of the search warrant execution.

8. A desktop computer was thereafter located in a bedroom inside the residence. A black and grey PNY brand thumb drive was plugged into one of the top USB ports the desktop. Within the thumb drive, several files were located that were consisted with the federal definition of child pornography, depicting the sexual assault of prepubescent children.
9. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that, in February 2024, in the Western District of Texas, HARLAN THOMAS BARTON did knowingly distribute child pornography using a facility of interstate commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, in violation of Title 18, United States Code, Section 2252(A)(2).


FURTHER AFFIANT SAYETH NOT,

**MACKENZIE
FERGUSON**

Digitally signed by MACKENZIE
FERGUSON
Date: 2024.08.08 10:24:54 -05'00'

Mackenzie D. Ferguson
Special Agent
Federal Bureau of Investigation

Sworn to telephonically and signed electronically on August 8, 2024.


HONORABLE HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF TEXAS